

SUPPLEMENT NO. 1

INSTRUCTIONS TO BIDDERS
(Construction Contracts)

The paragraph numbers used in this supplement correspond to the numbers of the paragraphs in Standard Form 22, Revised March 1953, to which they relate.

4A. BID GUARANTY. Bids in excess of \$500 shall be accompanied by a bid guaranty in one of the optional forms permitted. Postal money order, certified check, or cashier's check, if used as security, must be made payable to the order of the Treasurer of the United States.

If the amount of the bid is \$500 or less, security is not required.

If the amount of the bid is more than \$500 and not more than \$2000, the amount of the security shall be not less than 10 percent of the amount of the bid. A bid bond is not acceptable as security for such a bid. The security of the successful bidder will be held by the Government as a performance guaranty and will be returned upon acceptance of the completed work. If the successful bidder defaults, the Government may apply the proceeds of the security to remedy the default and the successful bidder will be liable for any amount of loss or damage the Government may sustain in excess of the proceeds of the security.

If the amount of the bid is more than \$2000, the amount of the security shall be not less than 20 percent of the amount of the bid. If a bid bond is used, it shall be on Standard Form 24. The security submitted by the bidder is a guaranty that he will not withdraw his bid within the time for acceptance established in the bid and that, if his bid is accepted, he will enter into a formal contract with the Government and give performance and payment bonds as required. The security furnished by the successful bidder will be returned when such bonds are approved. If the successful bidder fails to fulfill the conditions stated in this paragraph, he shall be liable to the Government for the difference between the amount of his bid and any greater amount for which the Government may otherwise procure the required work and, if the security submitted by such a bidder is other than a bid bond, the Government may apply the proceeds of the security to defray such excess cost.

5A. PREPARATION OF BIDS. A bid by a person who affixes to his signature the words "president," "secretary," "agent" or other designation without disclosing his principal, may be held to be the bid of the individual signing. When requested by the Government, satisfactory evidence of the authority of the officer signing in behalf of a corporation shall be furnished.

7A. RECEIPT AND OPENING OF BIDS. Paragraph 7 of the Instructions to Bidders is deleted and the following substituted therefor:

- "(a) Bids will be submitted prior to the time fixed in the Invitation for Bids.
- "(b) No bid or modification received after the time set for opening will be considered, except:
 - (1) those received before award is made, but delayed in the mails by unusually severe weather conditions, fire, flood, strikes, accident and similar abnormal occurrences beyond control of the bidder, if written certification is furnished by authorized postal authorities to that effect and;
 - (2) when no bid is received by the time set for opening, and a bid or a bid and a modification, arrive by mail after the time set for opening, but before award is made to another late bidder qualifying under this exception;

provided it is determined by the Government that such nonarrival on time was due solely to delay in the mails for which the bidder was not responsible.

- "(c) No responsibility will attach to any officer for the premature opening of, or the failure to open, a bid not properly addressed and identified."

13A. CONTRACT AND BONDS. If the amount of the contract is more than \$2000, the successful bidder will be required to furnish a performance bond and a payment bond, each in amount as follows:

<u>For Contracts Over</u>	<u>And Not Over</u>	<u>Amount of Bond</u>
\$ 2,000	\$ 1,000,000	50% of contract
\$ 1,000,000	\$ 5,000,000	40% of contract
\$ 5,000,000		\$2,500,000.00

INSTRUCTIONS TO BIDDERS

(CONSTRUCTION CONTRACTS)

(These instructions are not to be incorporated in the contract)

1. **Explanation to Bidders.** Any explanation desired by bidders regarding the meaning or interpretation of the drawings and specifications must be requested in writing and with sufficient time allowed for a reply to reach them before the submission of their bids. Oral explanations or instructions given before the award of the contract will not be binding. Any interpretation made will be in the form of an addendum to the specifications or drawings and will be furnished to all bidders and its receipt by the bidder shall be acknowledged.

2. **Conditions at Site of Work.** Bidders should visit the site to ascertain pertinent local conditions readily determined by inspection and inquiry, such as the location, accessibility and general character of the site, labor conditions, the character and extent of existing work within or adjacent thereto, and any other work being performed thereon.

3. **Bidder's Qualifications.** Before a bid is considered for award, the bidder may be requested by the Government to submit a statement of facts in detail as to his previous experience in performing similar or comparable work, and of his business and technical organization and financial resources and plant available and to be used in performing the contemplated work.

4. **Bid Guaranty.** Where security is required, failure to submit the same with the bid may be cause for rejection. The bidder, at his option, may furnish a bid bond, postal money order, certified check, or cashier's check, or may deposit, in accordance with Treasury Department regulations, bonds or notes of the United States (at par value) as security in the amount required: *Provided*, That where the total amount of the bid is \$2,000 or less, the contracting agency may declare a bid bond unacceptable by so stating in the specifications or Invitation for Bids.

In case security is in the form of postal money order, certified check, cashier's check, or bonds or notes of the United States, the Government may make such disposition of the same as will accomplish the purpose for which submitted.

Checks may be held uncollected at the bidder's risk. Checks, or the amounts thereof, and bonds or notes of the United States deposited by unsuccessful bidders will be returned as soon as practicable after the opening.

5. **Preparation of Bids.** (a) Bids shall be submitted on the forms furnished, or copies thereof, and must be manually signed. If erasures or other changes appear on the forms, each such erasure or change must be initialed by the person signing the bid.

(b) The form of bid will provide for quotation of a price, or prices, for one or more items which may be lump sum bids, alternate prices, scheduled items resulting in a bid on a unit of construction or a combination thereof, etc. Where required on the bid form, bidders must quote on all items and *they are warned* that failure to do so may disqualify the bid. When quotations on all items are not required, bidders should insert the words "no bid" in the space provided for any item on which no quotation is made.

(c) Alternative bids will not be considered unless called for.

(d) Unless specifically called for, telegraphic bids will not be considered. Modification by telegraph of bids already submitted will be considered if received prior to the time fixed in the Invitation for Bids. Telegraphic modifications shall not reveal the amount of the original or revised bid.

6. **Submission of Bids.** Bids must be submitted as directed on the bid form.

7. **Receipt and Opening of Bids.** (a) Bids will be submitted prior to the time fixed in the Invitation for Bids. Bids received after the time so fixed are late bids; and the exact date and hour of mailing such bids, as shown by the cancellation stamp or by the stamp of an approved metering device will be recorded. Such late bids will be considered, *Provided*, They are received before the award has been made, *And provided further*, The failure to arrive on time was due solely to a delay in the mails for which the bidder was not responsible; otherwise late bids will not be con-

sidered but will be held unopened until the time of award and then returned to the bidder, unless other disposition is requested or agreed to by the bidder.

(b) Subject to the provisions of paragraph 5(d) of these instructions, bids or bid modifications which were deposited for transmission by telegraph in time for receipt, by normal transmission procedure, prior to the time fixed in the Invitation for Bids and subsequently delayed by the telegraph company through no fault or neglect on the part of the bidder, will be considered if received prior to the award of the contract. The burden of proof of such abnormal delay will be upon the bidder and the decision as to whether or not the delay was so caused will rest with the officer awarding the contract.

(c) No responsibility will attach to any officer for the premature opening of, or the failure to open, a bid not properly addressed and identified.

8. *Withdrawals of Bids.* Bids may be withdrawn on written or telegraphic request received from bidders prior to the time fixed for opening. Negligence on the part of the bidder in preparing the bid confers no right for the withdrawal of the bid after it has been opened.

9. *Bidders Present.* At the time fixed for the opening of bids, their contents will be made public for the information of bidders and others properly interested, who may be present either in person or by representative.

10. *Bidders Interested in More than One Bid.* If more than one bid be offered by any one party, by or in the name of his or their clerk, partner, or other person, all such bids will be rejected. A party who has quoted prices to a

bidder is not thereby disqualified from quoting prices to other bidders or from submitting a bid directly for the work.

11. *Award of Contract.* (a) The contract will be awarded as soon as practicable to the lowest responsible bidder, price and other factors considered, provided his bid is reasonable and it is to the interest of the Government to accept it.

(b) The Government reserves the right to waive any informality in bids received when such waiver is in the interest of the Government. In case of error in the extension of prices, the unit price will govern.

(c) The Government further reserves the right to accept or reject any or all items of any bid, unless the bidder qualifies such bid by specific limitation; also to make an award to the bidder whose aggregate bid on any combination of bid items is low.

12. *Rejection of Bids.* The Government reserves the right to reject any and all bids when such rejection is in the interest of the Government; to reject the bid of a bidder who has previously failed to perform properly or complete on time contracts of a similar nature; and to reject the bid of a bidder who is not, in the opinion of the Contracting Officer, in a position to perform the contract.

13. *Contract and Bonds.* The bidder to whom award is made shall, within the time established in the bid and when required, enter into a written contract with the Government and furnish performance and payment bonds on Government Standard Forms. The bonds shall be in the amounts indicated in the specifications or the Invitation for Bids.

STANDARD FORM 20 REVISED MARCH 1953 GENERAL SERVICES ADMINISTRATION GENERAL REGULATION No. 13	REFERENCE
INVITATION FOR BIDS (CONSTRUCTION CONTRACT)	DATE 18 December 1956
	NAME AND LOCATION OF PROJECT

Renovation of Hangar
Atsugi Naval Air Station
Kanagawa Prefecture, Japan

DEPARTMENT OR AGENCY

STATINTL

BY (Issuing Office)

STATINTL

Scaled bids in duplicate for furnishing all labor, equipment, and materials and performing all work for the project described herein will be received until 1 P.M., 28 December 1956 in

and held for opening at a later date.

Information regarding bidding material, bid guarantee, and bonds

STATINTL

No bid guarantee, payment or performance bond will be required.

Description of work

The work consists of furnishing all plant, labor, materials, and equipment and performing all work in strict accordance with the specifications and schedules and drawings forming parts thereof for Renovation of Hangar at Atsugi Naval Air Station.

Information regarding liquidated damages (if any), payments, etc., is attached or made a part of the specifications. Bids shall be submitted on the forms furnished or copies thereof.

The undersigned agrees that if awarded to contract, he will commence the work 2 after the date of receipt of notice to proceed, and that he will complete the work within 30 calendar days after the date of receipt of notice to proceed.

The undersigned acknowledges receipt of the following addenda to the drawings and/or specifications (Give number and date of each):

The undersigned represents (Check appropriate boxes); (1) that the aggregate number of employees of the bidder and its affiliates is ☐ 500 or more, ☐ less than 500; (2) (a) that he ☐ has ☐ has not, employed or retained any company or person (other than a full-time bona fide employee working solely for the bidder) to solicit or secure this contract; and (b) that he ☐ has, ☐ has not, paid or agreed to pay to any company or person (other than a full-time bona fide employee working solely for the bidder) and fee, commission, percentage or brokerage fee, contingent upon or resulting from the award of this contract, and agrees to furnish information relating thereto as requested by the Contracting Officer. (Note: For interpretation of the representation, including the term "bona fide employee," see General Services Administration Regulations, Title 44, secs. 150.7 and 150.5 (d) Fed. Reg., Dec. 31, 1952, Vol. 17, No. 253.)

Enclosed is bid guarantee, consisting of

in the amount of

NAME OF FIRM OR INDIVIDUAL (Type or print)	FULL NAME OF ALL PARTNERS (Type or print)
BUSINESS ADDRESS (Type or print)	
BY (Signature in ink. Type or print name under signature)	
TITLE (Type or print)	
STATE OF INCORPORATION (Type or print)	

DIRECTIONS FOR SUBMITTING BIDS

Envelopes containing bids, guarantee, etc., must be sealed, marked, and addressed as follows:

Bids will be submitted in sealed envelopes upon this bid form and its attachments and marked in the upper left had corner
"Bid for Atsugi Hangar to be opened 28 December 1956."

CAUTION: Do not include in the envelope any bids for other work.

Bids should not be qualified by exceptions to the bidding conditions.

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